



General Assembly

Substitute Bill No. 6657

January Session, 2005

* ____HB06657JUD__041505__ *

AN ACT CONCERNING FIREARMS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2005*) (a) Any person who
2 possesses a firearm, as defined in section 53a-3 of the general statutes,
3 that is stolen from such person or that such person loses shall report
4 such theft or loss to the organized local police department for the town
5 in which the theft or loss occurred or, if such town does not have an
6 organized local police department, to the state police troop having
7 jurisdiction for such town, not later than seventy-two hours after such
8 person knew or should have known of such theft or loss. Such
9 department or troop shall forthwith forward a copy of such report to
10 the Commissioner of Public Safety.

11 (b) Any person who fails to make a report required by subsection (a)
12 of this section within the prescribed time period shall be fined not
13 more than five hundred dollars, except that, if such person
14 intentionally fails to make such report within the prescribed time
15 period, such person shall be guilty of a class A misdemeanor for the
16 first offense and a class D felony for any subsequent offense.

17 Sec. 2. Subsection (a) of section 29-28 of the general statutes is
18 repealed and the following is substituted in lieu thereof (*Effective*
19 *October 1, 2005*):

20 (a) No person who sells ten or more [pistols or revolvers] firearms in
21 a calendar year or is a federally-licensed firearm dealer shall advertise,
22 sell, deliver, or offer or expose for sale or delivery, or have in such
23 person's possession with intent to sell or deliver, any [pistol or
24 revolver] firearm at retail without having a permit therefor issued as
25 provided in this subsection. The chief of police or, where there is no
26 chief of police, the warden of the borough or the first selectman of the
27 town, as the case may be, may, upon the application of any person,
28 issue a permit in such form as may be prescribed by the Commissioner
29 of Public Safety for the sale at retail of [pistols and revolvers] firearms
30 within the jurisdiction of the authority issuing such permit. No permit
31 for the sale at retail of any [pistol or revolver] firearm shall be issued
32 unless the applicant holds a valid eligibility certificate for a pistol or
33 revolver issued pursuant to section 29-36f or a valid state permit to
34 carry a pistol or revolver issued pursuant to subsection (b) of this
35 section and the applicant submits documentation sufficient to establish
36 that local zoning requirements have been met for the location where
37 the sale is to take place except that any person selling or exchanging a
38 [pistol or revolver] firearm for the enhancement of a personal
39 collection or for a hobby or who sells all or part of such person's
40 personal collection of [pistols or revolvers] firearms shall not be
41 required to submit such documentation for the location where the sale
42 or exchange is to take place.

43 Sec. 3. Subsection (d) of section 29-28 of the general statutes is
44 repealed and the following is substituted in lieu thereof (*Effective*
45 *October 1, 2005*):

46 (d) Notwithstanding the provisions of sections 1-210 and 1-211, the
47 name and address of a person issued a permit to sell at retail [pistols
48 and revolvers] firearms pursuant to subsection (a) of this section or a
49 state or a temporary state permit to carry a pistol or revolver pursuant
50 to subsection (b) of this section, or a local permit to carry pistols and
51 revolvers issued by local authorities prior to October 1, 2001, shall be
52 confidential and shall not be disclosed, except (1) such information
53 may be disclosed to law enforcement officials acting in the

54 performance of their duties, (2) the issuing authority may disclose such
55 information to the extent necessary to comply with a request made
56 pursuant to section 29-33 for verification that such state or temporary
57 state permit is still valid and has not been suspended or revoked, and
58 the local authority may disclose such information to the extent
59 necessary to comply with a request made pursuant to section 29-33 for
60 verification that a local permit is still valid and has not been suspended
61 or revoked, and (3) such information may be disclosed to the
62 Commissioner of Mental Health and Addiction Services to carry out
63 the provisions of subsection (c) of section 17a-500.

64 Sec. 4. Subsection (a) of section 29-30 of the general statutes is
65 repealed and the following is substituted in lieu thereof (*Effective*
66 *October 1, 2005*):

67 (a) The fee for each permit originally issued under the provisions of
68 subsection (a) of section 29-28, as amended by this act, for the sale at
69 retail of [pistols and revolvers] firearms shall be one hundred dollars
70 and for each renewal thereof one hundred dollars. The fee for each
71 state permit originally issued under the provisions of subsection (b) of
72 section 29-28 for the carrying of pistols and revolvers shall be seventy
73 dollars plus sufficient funds as required to be transmitted to the
74 Federal Bureau of Investigation to cover the cost of a national criminal
75 history records check. The local authority shall forward sufficient
76 funds for the national criminal history records check to the
77 commissioner no later than five business days after receipt by the local
78 authority of the application for the temporary state permit. Thirty-five
79 dollars shall be retained by the local authority. Upon approval by the
80 local authority of the application for a temporary state permit, thirty-
81 five dollars shall be sent to the commissioner. The fee to renew each
82 state permit originally issued under the provisions of subsection (b) of
83 section 29-28 shall be thirty-five dollars. Upon deposit of such fees in
84 the General Fund, ten dollars of each fee shall be credited within thirty
85 days to the appropriation for the Department of Public Safety to a
86 separate nonlapsing account for the purposes of the issuance of
87 permits under subsections (a) and (b) of section 29-28, as amended by

88 this act.

89 Sec. 5. Section 29-31 of the general statutes is repealed and the
90 following is substituted in lieu thereof (*Effective October 1, 2005*):

91 No sale of any [pistol or revolver] firearm at retail shall be made
92 except in the room, store or place described in the permit for the sale of
93 [pistols and revolvers] firearms issued pursuant to subsection (a) of
94 section 29-28, as amended by this act, and such permit or a copy
95 thereof certified by the authority issuing the same shall be exposed to
96 view within the room, store or place where [pistols or revolvers]
97 firearms are sold or offered or exposed for sale. [, and no] No sale or
98 delivery of any pistol or revolver shall be made [unless the purchaser
99 or person to whom the same is to be delivered is personally known to
100 the vendor of such pistol or revolver or the person making delivery
101 thereof or unless the person making such purchase or to whom
102 delivery thereof is to be made provides evidence of his identity] except
103 in accordance with the provisions of section 29-33, and no sale or
104 delivery of a firearm other than a pistol or revolver shall be made
105 except in accordance with the provisions of section 29-37a. The vendor
106 of any [pistol or revolver] firearm shall keep a record of each [pistol or
107 revolver] firearm sold in a book kept for that purpose, which record
108 shall be in such form as is prescribed by the Commissioner of Public
109 Safety and shall include the date of the sale, the caliber, make, model
110 and manufacturer's number of such [pistol or revolver] firearm and the
111 name, address and occupation of the purchaser thereof, and shall be
112 signed by the purchaser and by the person making the sale, each in the
113 presence of the other, and shall be preserved by the vendor of such
114 [pistol or revolver] firearm for at least six years.

115 Sec. 6. Subsection (b) of section 29-33 of the general statutes is
116 repealed and the following is substituted in lieu thereof (*Effective*
117 *October 1, 2005*):

118 (b) On and after October 1, 1995, no person may purchase or receive
119 any pistol or revolver unless such person holds a valid permit to carry

120 a pistol or revolver issued pursuant to subsection (b) of section 29-28, a
121 valid permit to sell at retail a [pistol or revolver] firearm issued
122 pursuant to subsection (a) of section 29-28, as amended by this act, or a
123 valid eligibility certificate for a pistol or revolver issued pursuant to
124 section 29-36f or is a federal marshal, parole officer or peace officer.

125 Sec. 7. Subsection (e) of section 29-33 of the general statutes is
126 repealed and the following is substituted in lieu thereof (*Effective*
127 *October 1, 2005*):

128 (e) Upon the sale, delivery or other transfer of any pistol or revolver,
129 the person making the purchase or to whom the same is delivered or
130 transferred shall sign a receipt for such pistol or revolver which shall
131 contain the name and address of such person, the date of sale, the
132 caliber, make, model and manufacturer's number and a general
133 description of such pistol or revolver, the identification number of
134 such person's permit to carry pistols or revolvers, issued pursuant to
135 subsection (b) of section 29-28, permit to sell at retail [pistols or
136 revolvers] firearms, issued pursuant to subsection (a) of [said section]
137 section 29-28, as amended by this act, or eligibility certificate for a
138 pistol or revolver, issued pursuant to section 29-36f, if any, and the
139 authorization number designated for the transfer by the Department of
140 Public Safety. The person, firm or corporation selling such pistol or
141 revolver or making delivery or transfer thereof shall give one copy of
142 the receipt to the person making the purchase of such pistol or
143 revolver or to whom the same is delivered or transferred, shall retain
144 one copy of the receipt for at least five years, and shall send, by first
145 class mail, or electronically transmit, within forty-eight hours of such
146 sale, delivery or other transfer, one copy of the receipt to the
147 Commissioner of Public Safety and one copy of the receipt to the chief
148 of police or, where there is no chief of police, the warden of the
149 borough or the first selectman of the town, as the case may be, of the
150 town in which the transferee resides.

151 Sec. 8. Subsections (a) and (b) of section 29-36l of the general statutes
152 are repealed and the following is substituted in lieu thereof (*Effective*

153 October 1, 2005):

154 (a) The Commissioner of Public Safety shall establish a state
155 database within one year of October 1, 1994, that any person, firm or
156 corporation who sells or otherwise transfers pistols or revolvers may
157 access, by telephone or other electronic means in addition to the
158 telephone, for information to be supplied immediately, on whether a
159 permit to carry a pistol or revolver, issued pursuant to subsection (b)
160 of section 29-28, a permit to sell at retail a [pistol or revolver] firearm,
161 issued pursuant to subsection (a) of section 29-28, as amended by this
162 act, or an eligibility certificate for a pistol or revolver, issued pursuant
163 to section 29-36f, is valid and has not been revoked or suspended.

164 (b) Upon establishment of the database, the commissioner shall
165 notify each person, firm or corporation holding a permit to sell at retail
166 [pistols or revolvers] firearms issued pursuant to subsection (a) of
167 section 29-28, as amended by this act, of the existence and purpose of
168 the system and the means to be used to access the database.

169 Sec. 9. Section 29-38b of the general statutes is repealed and the
170 following is substituted in lieu thereof (*Effective October 1, 2005*):

171 (a) The Commissioner of Public Safety, in fulfilling [his] the
172 commissioner's obligations under sections 29-28 to 29-38, inclusive, as
173 amended by this act, and section 53-202d, shall verify that any person
174 who, on or after October 1, 1998, applies for or seeks renewal of a
175 permit to sell at retail a [pistol or revolver] firearm, a permit to carry a
176 pistol or revolver, an eligibility certificate for a pistol or revolver or a
177 certificate of possession for an assault weapon has not been confined in
178 a hospital for persons with psychiatric disabilities, as defined in section
179 17a-495, within the preceding twelve months by order of a probate
180 court, by making an inquiry to the Department of Mental Health and
181 Addiction Services in such a manner so as to only receive a report on
182 the commitment status of the person with respect to whom the inquiry
183 is made including identifying information in accordance with the
184 provisions of subsection (b) of section 17a-500.

185 (b) If the Commissioner of Public Safety determines pursuant to
186 subsection (a) of this section that a person has been confined in a
187 hospital for persons with psychiatric disabilities, as defined in section
188 17a-495, within the preceding twelve months by order of a probate
189 court, said commissioner shall report the status of such person's
190 application for or renewal of a permit to sell at retail a [pistol or
191 revolver] firearm, a permit to carry a pistol or revolver, an eligibility
192 certificate for a pistol or revolver or a certificate of possession for an
193 assault weapon to the Commissioner of Mental Health and Addiction
194 Services for the purpose of fulfilling [his] the responsibilities of the
195 Commissioner of Mental Health and Addiction Services under
196 subsection (c) of section 17a-500.

197 Sec. 10. Subsection (b) of section 54-36e of the general statutes is
198 repealed and the following is substituted in lieu thereof (*Effective*
199 *October 1, 2005*):

200 (b) Firearms turned over to the state police pursuant to subsection
201 (a) of this section which are not destroyed or retained for appropriate
202 use shall be sold at public auctions, conducted by the Commissioner of
203 Administrative Services or [such] the commissioner's designee. Pistols
204 and revolvers, as defined in section 53a-3, which are antiques, as
205 defined in section 29-33, or curios or relics, as defined in the Code of
206 Federal Regulations, Title 27, Chapter 1, Part 178, or modern pistols
207 and revolvers which have a current retail value of one hundred dollars
208 or more may be sold at such public auctions, provided such pistols and
209 revolvers shall be sold only to persons who have a valid permit to sell
210 a [pistol or revolver] firearm, or a valid permit to carry a pistol or
211 revolver, issued pursuant to section 29-28, as amended by this act.
212 Rifles and shotguns, as defined in section 53a-3, shall be sold only to
213 persons qualified under federal law to purchase such rifles and
214 shotguns. The proceeds of any such sale shall be paid to the State
215 Treasurer and deposited by the State Treasurer in the forfeit firearms
216 account within the General Fund.

217 Sec. 11. Section 29-36n of the general statutes is repealed and the

218 following is substituted in lieu thereof (*Effective January 1, 2006*):

219 (a) The Commissioner of Public Safety, in conjunction with the Chief
220 State's Attorney and the Connecticut Police Chiefs Association, shall
221 develop a protocol to ensure that persons who become ineligible to
222 possess a [pistol or revolver] firearm have, in accordance with section
223 29-36k, transferred such [pistol or revolver] firearm to a person eligible
224 to possess such [pistol or revolver] firearm or have delivered or
225 surrendered such [pistol or revolver] firearm to said commissioner.

226 (b) The Commissioner of Public Safety, in conjunction with the
227 Chief State's Attorney and the Connecticut Police Chiefs Association,
228 shall update the protocol developed pursuant to subsection (a) of this
229 section to reflect the provisions of sections [29-7h, 29-28, 29-28a, 29-29,
230 29-30, 29-32 and 29-35, subsections (b) and (e) of section 46b-15,
231 subsections (c) and (d) of section 46b-38c and sections 53-202a, 53-202l,
232 53-202m and 53a-217] 29-28, 29-31, 29-33, 29-34, 29-36k and 53a-217c, as
233 amended by this act, and shall include in such protocol specific
234 instructions for the transfer of [pistols and revolvers] firearms when
235 the assistance of more than one law enforcement agency is necessary to
236 effect the requirements of section 29-36k.

237 Sec. 12. Section 53a-217c of the general statutes is repealed and the
238 following is substituted in lieu thereof (*Effective January 1, 2006*):

239 (a) A person is guilty of criminal possession of a [pistol or revolver]
240 firearm when such person possesses a [pistol or revolver, as defined in
241 section 29-27] firearm, and (1) has been convicted of a felony or of a
242 violation of subsection (c) of section 21a-279 or section 53a-58, 53a-61,
243 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d,
244 (2) has been convicted as delinquent for the commission of a serious
245 juvenile offense, as defined in section 46b-120, (3) has been discharged
246 from custody within the preceding twenty years after having been
247 found not guilty of a crime by reason of mental disease or defect
248 pursuant to section 53a-13, (4) has been confined in a hospital for
249 persons with psychiatric disabilities, as defined in section 17a-495,

250 within the preceding twelve months by order of a probate court, (5)
251 knows that such person is subject to a restraining or protective order of
252 a court of this state or to a foreign order of protection, as defined in
253 section 46b-15a, that has been issued against such person, after notice
254 and an opportunity to be heard has been provided to such person, in a
255 case involving the use, attempted use or threatened use of physical
256 force against another person, (6) knows that such person is subject to a
257 firearms seizure order issued pursuant to subsection (d) of section 29-
258 38c after notice and an opportunity to be heard has been provided to
259 such person, or (7) is an alien illegally or unlawfully in the United
260 States. For the purposes of this section, "convicted" means having a
261 judgment of conviction entered by a court of competent jurisdiction.

262 (b) Criminal possession of a [pistol or revolver] firearm is a class D
263 felony.

264 Sec. 13. Section 53a-217 of the general statutes is repealed and the
265 following is substituted in lieu thereof (*Effective January 1, 2006*):

266 (a) A person is guilty of criminal possession of [a firearm or] an
267 electronic defense weapon when such person possesses [a firearm or]
268 an electronic defense weapon and (1) has been convicted of a felony,
269 (2) has been convicted as delinquent for the commission of a serious
270 juvenile offense, as defined in section 46b-120, (3) knows that such
271 person is subject to a restraining or protective order of a court of this
272 state or to a foreign order of protection, as defined in section 46b-15a,
273 that has been issued against such person, after notice and an
274 opportunity to be heard has been provided to such person, in a case
275 involving the use, attempted use or threatened use of physical force
276 against another person, or (4) knows that such person is subject to a
277 firearms seizure order issued pursuant to subsection (d) of section 29-
278 38c after notice and an opportunity to be heard has been provided to
279 such person. For the purposes of this section, "convicted" means
280 having a judgment of conviction entered by a court of competent
281 jurisdiction.

282 (b) Criminal possession of [a firearm or] an electronic defense
 283 weapon is a class D felony; [, for which two years of the sentence
 284 imposed may not be suspended or reduced by the court.]

285 Sec. 14. Section 53-202g of the general statutes is repealed. (*Effective*
 286 *October 1, 2005*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	New section
Sec. 2	<i>October 1, 2005</i>	29-28(a)
Sec. 3	<i>October 1, 2005</i>	29-28(d)
Sec. 4	<i>October 1, 2005</i>	29-30(a)
Sec. 5	<i>October 1, 2005</i>	29-31
Sec. 6	<i>October 1, 2005</i>	29-33(b)
Sec. 7	<i>October 1, 2005</i>	29-33(e)
Sec. 8	<i>October 1, 2005</i>	29-36l(a) and (b)
Sec. 9	<i>October 1, 2005</i>	29-38b
Sec. 10	<i>October 1, 2005</i>	54-36e(b)
Sec. 11	<i>January 1, 2006</i>	29-36n
Sec. 12	<i>January 1, 2006</i>	53a-217c
Sec. 13	<i>January 1, 2006</i>	53a-217
Sec. 14	<i>October 1, 2005</i>	Repealer section

JUD Joint Favorable Subst.